

REMARKS

Claims 1, 5 and 7 are pending in the current Preliminary Amendment. Claims 1 and 5 are currently amended.

Claims 1-7 are Rejected under 35 USC §102(e)

In the Advisory Office Action o 3/4/2004 (before the RCE), the Examiner maintained his rejections of claims 1, 5 and 7 are rejected under 35 U.S.C. §102(e) as being anticipated by Rathbun (U.S. Patent No. 6,138,123). The Examiner stated that with regard to independent claim 1, Rathbun “also traverse from the root to a leaf in the date structure (see column 7, lines 4-22). The Examiner also states that “any unused leaf in the date structure” as recited in claim 1 reads on Rathbun’s “finding an empty cell.”

Accordingly, the Applicants have amended claim 1 to make the distinction between the claimed process and that disclosed in Rathbun clearer. Claim 1 is now specifically limited to “percolating values within the data structure from the root to any unused leaf” while not “percolating values within the data structure from the root to any unused leaf, the percolating values comprising one or more holes,” in direct contrast to Rathbun. Accordingly, the Applicants request that the Examiner withdraw the rejection of claim 1, as well as claims 5 and 7 which depend from claim 1.

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CONCLUSION

The current Preliminary Amendment is filed concurrently with a Request for Continuing Examination (RCE). The requisite fees for that RCE are contained herein. Because the number of independent and total claims remains unchanged with this Preliminary Amendment, the Applicants believe that no additional fee is due.

In view of the above, it is respectfully submitted by Applicants that the claims are in condition for allowance. Allowance of the claims at an early date is solicited.

Respectfully submitted,

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